

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

OCTOBER 26, 2010

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:00 PM on Tuesday, October 26, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Keith Baker, Carrie Carey, Jerry Steinauer, Robert Flint, Norm Nyberg, Duff Lacy, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Police Chief Jimmy Tidwell and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Diane Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

AGENDA ADOPTION

Jerry Trustee Steinauer asked that Item E to be moved to the regular agenda.

Motion #1 by Trustee Baker, seconded by Trustee Carey, to adopt the agenda as amended. Motion carried.

CONSENT AGENDA

- A. Minutes**
 - 1. Regular Meeting – October 12, 2010
 - 2. Special Meeting – October 19, 2010
- B. Advisory Boards**
 - 1. Planning & Zoning Commission
 - 2. Beautification Advisory Board
 - 3. Recreation Advisory Board
- C. Should the Board approve adoption of Resolution #106, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, GRANTING THE AWARD AND APPROVING THE EXECUTION OF A CONTRACT WITH ALL WEST TREE SERVICE FOR PRUNING OF TREES IN BUENA VISTA"?**
- D. Should the Board approve adoption of Resolution #107, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, GRANTING THE AWARD AND APPROVING THE EXECUTION OF A CONTRACT WITH LIQUIVISION TECHNOLOGY FOR THE CLEANING, INSPECTION AND FITTING REPLACEMENT OF THREE FINISHED STEEL ON-GRADE DRINKING WATER STORAGE TANKS"?**

Trustee Flint noted on page 33 under BV Volunteer Fire Department it should read that Trustee Flint attended the "Chaffee County Fire Department" grand opening.

Motion #2 by Trustee Flint, seconded by Trustee Lacy, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Evelyn Baker, 520 Arizona Street, representing P&Z Commission, urged the Board to approve the Community Development Director position; stated she has worked with four planners over the years; noted frustration in starting over with new planners and read a letter from the P&Z Commission into the record.

Jed Selby, 901 S Main Street, concurred with Evelyn's comments and expressed that Shannon is effective at what she does.

Bill Yinger 421 W. Main, asked the Board to retain Shannon and concurred with Evelyn's comments.

Ken Keller, 118 River Run Drive, noted the interruption with new planners in the last five years he has served on the P&Z Commission; outlined Shannon's professionalism and recommended her for the new position.

Jed Selby, 901 S Main Street, advised there will be an amendment to the original proposal to the 2011 River Park improvements.

Robert Hickman, 33675 CR 361, noted a five day waiting period for a vendor cart to be set up; a lot of businesses want to come and set up; expressed the need for jobs in the community and asked to have a simple process to set up a vendor cart and make it equal for everyone; felt Buena Vista was the hardest Town to get the paperwork done and to set up.

RESPONSE TO PUBLIC COMMENT

Mayor Benson stated the Board will look forward to seeing the adjusted proposal; thanked Mr. Hickman for his time and asked Shannon to meet with Mr. Hickman and noted stated staff is looking at the vendor carts.

BUSINESS ITEMS

PUBLIC HEARING – TO HEAR AN APPLICATION FOR A TAVERN LICENSE AT 402 E. MAIN STREET, STATE HIGHWAY ROADHOUSE & THEATER INC., JOHN GROVE & SHAWN WOODRUM

Town Clerk Spomer presented the Tavern License for the State Highway Theater; noted that the application was sent to the State Office for concurrent review; CBI returned the fingerprint cards stating they were not clear enough for a background check so they were re-done at the County and sent back to CBI and we are currently waiting for a response; the State completed their review and is waiting for local approval and recommended approval contingent upon clean background checks.

John Grove, 116 N Court, stated they are eagerly awaiting their approval and got all their inspections today and were approved.

Mayor Benson 1opened the public comment portion of the hearing at 7:16 PM with none received and closed the public comment portion of the hearing.

Motion #3 by Trustee Nyberg, seconded by Trustee Flint, to approve the Tavern Application contingent upon clean background checks. Motion carried.

PUBLIC HEARING – THE TOWN OF BUENA VISTA 2011 BUDGET

Sue Boyd noted there is nothing new to add to the discussion; Christine DeChristopher is out of Town for a family emergency; this was presented at the Oct. 12 meeting with one copy available at the Library and one at Town Hall for public review.

Mayor Benson opened the public comment portion of the hearing at 7:18 PM with none received and closed the public comment portion of the hearing.

Discussion followed on having the newspaper publish where the budgets are available; Sue spoke with the Chaffee County Times today and they will be doing a small story on the budget.

Motion #4 by Trustee Baker, seconded by Trustee Nyberg, to continue the Public Hearing to November 9, 2010. Motion carried.

CONTINUATION OF PUBLIC HEARING – Should the Board approve adoption of Ordinance #30, Series 2010, entitled “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTIONS 16-4, 16-143, 16-144(10), AND 16-150(12) OF THE BUENA VISTA MUNICIPAL CODE REGARDING VACATION RENTALS AND BED-AND-BREAKFAST ESTABLISHMENTS”?

Town Planner Haydin noted this is the correct ordinance that should have been in the packet for the last meeting and solicited comments.

Discussion held on B&B's are being added as a Special Use and Vacation Rentals are a use by right in the Residential Districts; Section 2 states "provided all applicable taxes and fees have been paid" means they will need a business license; enforcement issues.

Mayor Benson opened the public comment portion of the hearing at 7:25 PM with none received and closed the public comment portion of the hearing.

Motion #5 by Trustee Lacy, seconded by Trustee Baker, to approve Ordinance #30. Trustee Steinauer voted against. Motion carried.

DISCUSSION OF A PROPOSAL FOR LOW VELOCITY DEER HUNTING INSIDE THE TOWN LIMITS

Harley Hamilton, 158 Windwalker Road, asked if there was a proposal from DOW.

Sue noted that Trustee Steinauer asked that this item be added to the agenda, DOW would pursue the policy but this is not a DOW proposal.

Harley expressed concern of overpopulation in Town and heard DOW's proposal at the last meeting to eliminate some deer and reduce the population and asked if they would scrutinize certain hunters and can DOW screen people in the application process that are qualified for low velocity hunting.

Trustee Steinauer asked 1) if we should have a season in Town and 2) if yes, then we get together with DOW and have a guide for each permit/hunter and run the season by draw in conjunction with their season.

Discussion held on a plan was going to take place in Alamosa but it did not happen; deer are a unique feature in Buena Vista; a suggestion of planting what the deer won't eat; concerns of too many pedestrians in Town for hunting and the safety issue; concerns of the proposal a few years ago; have Chief Tidwell talk to Randy Hancock about getting a professional group in Town to reduce the herd; Dow expressed that the deer are poorly fed and dying and that is why they are in Town; draft an ordinance to

allow hunting; pursuing professionals. Chief Tidwell noted the Code that addresses firearms and expressed concerns of safety in Town.

Motion #6 by Trustee Steinauer, seconded by Trustee Flint, to pursue a low velocity hunt inside the Town of Buena Vista and work with DOW to control the hunt. Trustee Carey voted against. Motion carried.

Should the Board approve adoption of Resolution #109, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT WITH THE HILLER GROUP INCORPORATED FOR SUPPLYING FUEL AT THE CENTRAL COLORADO REGIONAL AIRPORT"?

Sue Boyd noted a final version of the agreement was placed on the table and has talked to the Hiller group on a regular basis; the biggest concerns have been addressed; our annual fuel purchase was cut in half and is comparable with what we are selling at this time; the language was modified to allow for an FBO if the Town pursues that; Hiller's language was accepted and recommended approval as presented.

Discussion followed on the term of the agreement; complaints on the fuel limits our damages to the price of the fuel; Board consensus on the fuel truck was for the truck that Hiller was offering and is not part of this agreement but will part of the next step.

Motion #7 by Trustee Baker, seconded by Trustee Carey, to approve adoption of Resolution #109. Motion carried.

DISCUSSION REGARDING THE STATUS AND OPTIONS FOR A PRELIMINARY ASSESSMENT OF MUNICIPAL BUILDING NEEDS

Administrator Boyd noted the Town entered into a grant agreement for a municipal needs assessment for Town Hall and the Police Dept. as they are old and not meeting all our needs and functionality; the grant was awarded for \$10,000 where DOLA would contribute \$5000; DOLA has agreed to extend the contract to Dec. 2011; one contract for consideration is from a local architect and one from the Front Range; Christina has not done any work with municipalities and F&D has mostly done work with municipalities; this is for a preliminary assessment of needs, functionality and projections of future needs and then that gets turned into square footage with a benchmark tool to evaluate site options and include the project in the Capital Improvement budget. This is not a large enough project to do competitive bidding; staff will bring a contract back based on Trustee direction.

Discussion followed on utilizing a local company.

Motion #8 by Trustee Steinauer, seconded by Trustee Flint, to hire Christina Brandenburg and draft a professional services contract. Motion carried.

DISCUSSION REGARDING A PROPOSAL FOR A COMMUNITY DEVELOPMENT DIRECTOR POSITION

Sue Boyd referenced her memo that was presented at a special meeting Oct. 19 on the rationale behind maintaining continuity in our Town Planner position; the Town Planner position has become more complex and has increased our expectations with building permits, code enforcement and land use application complexities; we are discussing an IGA for planning and land use and see the need to continue coordinating with the County with work toward economic development; the Flood Plan Manager duties are complex and Sue outlined other duties of the position; pay ranges for other communities were provided and Salida's is similar to what is being proposed.

Discussion followed on the size of communities we are comparing ourselves to are all larger; most local salaries are \$25,000-\$40,000 and trying to justify a salary much higher than this; there are a lot of people looking for jobs and we could all make a larger salary in a bigger city; the top of Trout Creek pass is the boundary to the front range and the State Demographer noted an explosion in the future and to prevent the runaway part and have beneficial use we need a certain caliber person in the position; do we want to manage growth; this is too much of a jump in pay grade especially in this economy; sales tax only goes so far; there are a lot of projects to do but they can be done over time; for a new position and a new department it should be opened up to others to apply; where will the funds come from to pay the salary; the position can be justified in continuity; page 45 of the 2011 budget reflects a Development Coordinator position; change of Pay Grade 9 to 11 is for internal equity (4 positions to be at same pay grade level); what caliber of planning individual does the Board want; the proposal is to upgrade the current position to a higher level; change the Grade to 10 in 2011 and Grade 11 in 2012 but we still need to find the funds.

Motion #9 by Trustee Flint, seconded by Trustee Baker, to have the new Development Director position as presented. Discussion continued on modifying the motion to reclassify the existing position and leave the new position there if the incumbent does not remain here and we cannot hire someone then we can hire the new person as the Town Planner. Roll call vote: Carey-nay, Steinauer-nay, Nyberg-nay, Lacy-aye, Flint-aye, Baker-aye, Benson-aye. Motion carried. Trustee Lacy offered to help look for the funds.

Should the Board approve adoption of Resolution #108, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING ESTES BANKS AS AN ALTERNATE MEMBER OF THE PLANNING AND ZONING COMMISSION**"?

Trustee Steinauer asked if Mr. Banks is only available one meeting a month can he be the second alternate or can two alternates apply.

Shannon Haydin stated the Code is vague and the Statute says they have a term of 6 years; Evelyn Baker noted Pete Palmer has not been able to attend since May due to this campaigning. There have been two vacancies for over a year; Ken Keller's 6 years will be coming up soon and he is not available several months during the winter. Attorney Parker added if you appoint this person and he can only make one meeting a month then he cannot fulfill his obligation, if someone else comes in full-time Mr. Banks could be removed.

Motion #10 by Trustee Lacy, seconded by Trustee Baker, to approve adoption of Resolution #108. Trustee Steinauer voted against. Motion carried.

STAFF REPORTS **TOWN ADMINISTRATOR**

Administrator Boyd had the following items to cover:

- We are into the transition to a new utility billing system and there is new furniture in the front office now.
- The Community Housing Trust is looking to the Town for representation on their Board and they appointed Estes Bank to serve on that Board.
- The Town Clerk & Water Operator positions have been advertised with a closing date of November 22.
- The Chamber had a successful banquet at the airport terminal; feedback that the power point that I did was well received and we are getting requests for advertising at the airport.
- The Economic Development Corp. did a site visit at the prison and they were asked about things they were experiencing in hiring and retaining and they said child care and affordable housing were two issues.
- We have an input meeting on public transportation and my report should say Nov 3; they are at 9:15 AM and one at 7 PM at the annex building.

- AT&T decided that instead of the repeater tower site Alltel was trying to pursue, they want to abandon that request and plan to set up a full service tower; we received a request on where to put the tower and are checking into that.
- Wendell Prior noted they are trying to implement an Economic Development Assessment in the community; he presented a proposal today to the BOCC; they want to come before this Board on Nov 9 and want a community meeting Nov 12 or Nov 11 from 6P-8P. The Board felt the following week would work better, Mon. through Thursday. Sue will follow-up.
- Trustees Flint and Carey, Mayor Benson and Sue attended the Chamber banquet.
- Trustee Baker asked about the CML meeting. Carey stated their Annual Conference was bad timing and they told her it would remain on the same date.
- Trustee Nyberg asked Sue to direct Sr. Staff to take care of trimming the tree and fixing the pot hole as they have not been done.
- Trustee Steinauer asked about the status of the Airport Board. Sue stated it needs to be repopulated. Jerry noted the S. Main restroom conversation has stalled and asked if we are going somewhere with it. Sue stated Jed Selby proposed an alternative and the Trustees need to see if they are willing to look at it (if the Town wants to move the option earlier as Phase II and trade the option on paving Main St. to Phase III. This item will be agendaized.
- Trustee Steinauer expressed on the whitewater improvements that we need more curb, gutter and sidewalks than we do more funds going into the whitewater park. Mayor Benson noted Jed stated earlier tonight there is a proposal coming forward. Sue asked the Board if they wanted input from the Rec. Board. This will be on the Nov. 23 agenda.
- Trustee Lacy noted November has five Tuesdays and asked if there will be a joint meeting. Sue will ask at the Administrator's meeting.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- Proposed that this become a once a month report.
- Jay Jones told Sue that he is still planning on being to the stage where he has the skin on the frame by the Oct. 31 deadline. Trustee Carey noted Jay has done quite a bit but was not sure he would be done by the 31st. The Trustees can evaluate this on Nov. 9 with updates.
- Trustee Carey expressed if we cannot find an FBO we should look at hiring an Airport Manager. Trustee Steinauer felt we should go with an FBO and outlined numerous services they can provide that the Town cannot. Sue noted the Town received one proposal; we should look at the options and structure an FBO RFP; the RFP should be out by the end of the year.

TOWN PLANNER

- Shannon asked about the public input component for vendor carts; stated people come into Town Hall on Friday and cannot meet the timelines and set up anyway and it becomes a Code Enforcement issue; suggested staff can still do those things without the public process, however, there was a lot of input in the process and asked for Board input. Discussion followed on vendor carts selling things that business owners in Town already sell; since the restaurant business owners complained two summers ago, we could limit the number of food vendors; have a permit packet to hand out to vendors with a difference of 1-2 days and one for the long extended stays. Mr. Hickman stated there are people in Town selling firewood without permits and others are pulling in and selling hay without permits and asked that everyone be on a level field. Shannon will work with Tony and some others on these issues.
- P&Z had a four hour work session today to do the County zoning update and asked the Town to identify our planning area and make suggestions for the new Town and County zone district; Chaffee County will update the map but it is up to the Board to decide and we should schedule a work session in late November or December.

DEVELOPMENT STATUS REPORT

- Shannon noted some things are close to be completed and asked if the Board wanted the report bi-weekly or monthly. The Board asked for it monthly and to add the name of the Developer and location.

- Mayor Benson asked staff to look at cleaning up the lots that abut the new development i.e. the easement that cuts through private property to get to the development. Sue Boyd noted that staff is updating the list of outstanding infrastructure issues for Sunset Vista IV; have been contacted by the Bank and there may be a prospective buyer out there.

TRUSTEE/STAFF INTERACTION

- Trustee Baker noted on Nov. 1 at the Transportation Planning Meeting in Alamosa they will discuss money to be disbursed and projects: \$90,000 for a Chaffee County Transit Center to be completed in or around 2011; the bus has been an overwhelming success and will continue with possibly no match from the municipalities; on the pedestrian bridge we should be getting \$196,000 in 2013; in 2014-2015 \$10 million will be used on passing lanes on Trout Creek Pass; the interchange on Hwy. 285 – CDOT and the engineers feel it is great for 2016 for \$2.2 million; noted CML is doing a webinar and asked for the date. Sue will check on the date.
- Trustee Nyberg asked for updates on the job descriptions and to see if we will have enough funds for the new position.

EXECUTIVE SESSION - TO HOLD A CONFERENCE WITH THE TOWN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, PURSUANT TO C.R.S. § 24-6-402(4)(B) TO DISCUSS THE MEADOWS ANNEXATION DEVELOPMENT FEES AND RELATED LEGAL MATTERS.

Motion #11 by Trustee Baker, seconded by Trustee Lacy, to go into Executive Session to hold a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) to discuss The Meadows Annexation development fees and related legal matters.

Mayor Benson excused himself from the Session due to a conflict as he will be purchasing a piece of land from Mr. Cogswell.

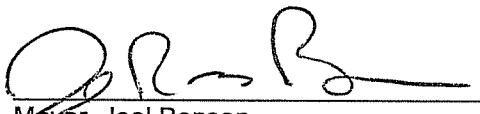
Those present for the Executive Session were Trustees Keith Baker, Jerry Steinauer, Carrie Carey, Duff Lacy, Robert Flint, Norm Nyberg, Town Administrator Sue Boyd and Town Attorney Jeff Parker. Executive Session was held from 9:45 PM to 10:12 PM.

Motion #12 by Trustee Nyberg, seconded by Trustee Flint, to adjourn back to Regular Session. Motion carried.

ADJOURNMENT

Motion #13 by Trustee Flint, seconded by Trustee Nyberg, noting that there being no further business to come before the Board declared that the meeting be adjourned at 10:15 PM. Motion carried.

Respectfully submitted:


Mayor, Joel Benson


Town Clerk, Diane Spomer